



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

ENVIRONMENTAL MANAGEMENT COMMITTEE

I hereby give notice that an Ordinary Meeting of the Environmental Management Committee will be held on:-

DATE: **Tuesday, 10 August 2004** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

10 August 2004

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	PA	Hulse (Chairperson)
	DA	Yates, JP (Deputy Chairperson)
	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP
	JP	Lawley
	GE	Nash, QSM, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell, JP
	CA	Stone

Mayor, Bob Harvey, QSO, JP (ex officio)

(Quorum 5 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 10 AUGUST 2004,
COMMENCING AT 9.30 AM.**

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AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON TUESDAY, 10 AUGUST 2004, COMMENCING AT 9.30 AM.

1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

NOTE: Urgent business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Ordinary - Tuesday, 13 July 2004

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 13 July 2004, including the Public Excluded minutes, as circulated, be taken as read and now be confirmed.



PART A - PRESENTATION

4 POWER-SAVING

David Peppiatt, CEO of Wizard Corporation will make a presentation on the subject of a power-saving device, which is designed and produced in New Zealand.



PART B - REGULATORY / ENFORCEMENT

5 LEGAL UPDATE (AS AT 30 JULY 2004)

INTRODUCTION

The following is a list of legal actions in respect of matters within the scope of the Committee, which are currently before the Courts and which are ongoing or have been commenced since the date of the preceding report. The list does not include references to Council's District Plan, minor prosecutions for dogs, swimming pools, health and litter although advice on any particular such prosecution can be provided to the Committee if it wishes. The dates referred to in the headings are the dates on which appeals, informations or proceedings were first filed in Court.

ENVIRONMENT COURT

Kitewaho Bush Reserve, Peter Mawhinney and Others v Waitakere City Council

Following the Council's success in the High Court (where it won its appeal, and successfully defended the cross-appeal - see later agenda item below, for more information), the Council has reignited its costs application against Mr Mawhinney et al in the Environment Court. Council is seeking approximately \$140,000. A hearing date has been set down for 30 August 2004.

Selak v Waitakere City Council (7 March 2002) Collett & Nye v Waitakere City Council (8 March 2002)

Appeals filed by the applicant Messrs Selak and their neighbours, Messrs Collett & Nye. Both appeals relate to the operation of the Selaks' Go-kart track on their property at Kennedy's Road, Whenuapai. The Selaks have appealed a condition disallowing use of the track on Sundays and public holidays. The Colletts & Nyes have appealed Council's decision to allow the Go-Kart activity. Mr Selak has put forward a new proposal, involving additional mitigation of the noise impacts of the Go-Kart track, which is to be considered by all parties and may result in settlement of these appeals. Mr Collett has accepted in principle the efficacy and design of the Proposed Noise Mitigation Fence. A site visit was held in June and Mr Selak and Mr Collett are in discussions.

Abacus Developments Limited & Ors v Waitakere City Council (February 2000)

An appeal by Abacus, Kitewaho and related entities (associated with Mr Mawhinney) against subdivision consent conditions imposed for a subdivision at Bethells/Waitakere. The appeal was to be heard in February 2003 but has been adjourned pending the outcome of the High Court appeal referred to below in this report. A judicial conference has been set down at our request for 26 August 2004 to progress this matter to hearing. In light of Mr Mawhinney's failure to pay Council's costs in other proceedings it is recommended that an application for security for costs be made on this appeal. Timetable orders for exchange of evidence and other pre-trial matters will also be sought at the conference.

Waitakere City Council v Estate Homes Limited (28 March 2002) (Ranui Station Road) (High Court)

An appeal to the High Court (from an Environment Court decision) regarding a decision by Council relating to a requirement to construct and vest Marinich Drive, an arterial road that passes through Estate's subdivision in Ranui Station Rd. The appeal was heard before Justice Venning on 29 June 2004 and the decision has been reserved. A decision is not expected for several months.

Spencer v Waitakere City Council - Lone Kauri Road, Karekare (29 August 2000)

Appeal by Mr Spencer against Council's decision declining consent for subdivision of a property located at Lone Kauri Road, Karekare. The Waitakere Ranges Protection Society and several residents' groups are parties to the appeal. Consent order now issued from Environment Court. Matter resolved.

Prema Trust v Waitakere City Council & Auckland Regional Council (July 2003)

An appeal against a joint Waitakere City Council/Auckland Regional Council decision refusing consent for an alternative healing centre at 34-36 Grassmere Road. Waitakere City Council and Auckland Regional Council have filed their respective replies to the appeals with the Environment Court, and 13 parties have filed Section 271A or Section 274 notices. All parties have now exchanged evidence and a hearing has been scheduled for the week of 23 August 2004.

Juderon Family Trusts v Waitakere City Council (December 2003)

An appeal against the Council's decision confirming the consent conditions regarding financial contributions payable in respect of a proposed subdivision. Both parties have agreed to attend a Court assisted mediation, yet to be scheduled.

Te Atatu Residents' & Ratepayers Association Inc v Waitakere City Council (January 2004)

A reference against the Council's decision approving Plan Change 2, which re-identifies the Harbourview land on the Te Atatu Peninsula from Living Environment and Harbourview South Special Area to Open Space Environment and Marae Special Area. A Court assisted mediation occurred on 16 July 2004 and progress made in regard to some issues. Further discussion with the Rate Payers Association (formally and informally) is scheduled.

I & Z Farac v Waitakere City Council

A site-specific reference has been filed by Mr and Mrs Farac, relating to their property at 172A Don Buck Road, Massey. It seeks to rezone all (or part) of the property as Living 2 Environment. Discussions are to take place on the relief being sought. A meeting is scheduled for Friday, 30 July 2004.

Save Hobsonville Against the Mismanagement of its Environment Society Inc v Waitakere City Council (February 2004)

An appeal against the Council's decision granting consent to Vodafone to construct a telecommunications facility including a tower at 11 Scott Road, Hobsonville. An Environment Court-assisted mediation occurred on 18 March 2004, during which the appellant and applicant agreed to investigate the feasibility of reducing the height of the tower. Discussions between the appellant and Vodafone continue as to possible resolution.

Brodie Andrews v Waitakere City Council (June 2004) 202 Shaw Road, Titirangi

An appeal against an abatement notice issued by Council. In the course of removing motor vehicle parts and wrecks from Mr Graham Gordon's property Council found that a tenant, Mr Andrews has been undertaking mechanical repair activities contrary to the provisions of the District Plan. It served an abatement notice on Mr Andrews requiring him to cease this activity and sought a stay of its effect. A mediation was held of 15 July and an agreement signed and confirming the appeal would be withdrawn. The appeal has been withdrawn and the abatement notice remains in place.

HIGH COURT

Waitakere City Council v Hickman & Spargo & Auckland City Council & Rodney District Council

This is an application by Council for declarations in the High Court relating to the meaning of "immediate pool area" under the Fencing of Swimming Pools Act. Council's application is supported by Auckland City Council & Rodney District Council. It is to be heard on 2 August 2004 before Justice Randerson.

Waitakere City Council v Kitewaho Bush Reserve Company Limited, Peter Mawhinney & Ors (Appeal filed 22 January 2002)

As previously reported to the Committee His Honour Justice Randerson released a decision in relation to this matter on 3 March 2004 which upheld Council's decision in relation to the appeal (in respect of Section 91 RMA) and confirmed the dismissal of Kitewaho's substantial cross-appeal.

Mr Mawhinney's application for leave to appeal was heard before Randerson J on 14 May 2004 and dismissed with costs to the Council. Mr Mawhinney has now filed an application for special leave with the Court of Appeal (which includes an application for extension of time for filing) which is to be heard in Wellington on 18 August 2004.

In relation to costs, Randerson J has awarded above scale costs of \$48,502.52 in favour of Council. This costs order has been made against Mr Mawhinney and the current trustees of the Waitakere Forest Land Trust. Kensington Swan has written to Mr Mawhinney to make demand for immediate payment. A bankruptcy notice has been drafted and will be served shortly.

Kitewaho Bush Reserve Company Limited (in Liquidation) & Ors v Waitakere City Council (February 2002) (Civil Proceedings)

This is a claim for damages by Kitewaho et al and is related to the matters addressed in the other High Court proceedings. Mr Mawhinney has now served further affidavit evidence in support of his application to have himself substituted in as plaintiff in these proceedings. That evidence makes it clear that he is the current sole trustee of the plaintiff trust. On that basis, it has been agreed to consent to his substitution application on the condition that Mr Mawhinney assumes responsibility up to the point of substitution. An application for security for costs has been filed and we have requested a judicial conference to make further directions and timetable orders in this case. In particular, we will be seeking to have the security for costs application set down as soon as possible and thereafter Council's application to strike out.

PROSECUTIONS - DISTRICT COURT

I & A Covich - 40 Sunnyvale Road, Massey (May 2003)

Charges were laid against Mr and Mrs Covich alleging that the Covich's operated a cleanfill in contravention of an abatement notice requiring them to cease this activity. Mr & Mrs Covich pleaded not guilty and elected trial by jury. A depositions hearing took place on 11 November 2003, with counsel for the Covichs conceding that there was a case to answer. This matter has been set down for a trial during the week beginning 20 September 2004.

MT Yeo, KB Yeong, MTY Properties Limited - various properties (May 2003)

Charges were laid against Messrs Yeo and Yeong, and Mr Yeo's company MTY Properties regarding alleged unauthorised building work, failure to comply with notices to rectify, and unsafe buildings, in respect of seven properties owned by the defendants. The matters will be adjourned to a further status hearing, yet to be scheduled, on the basis of intimated guilty pleas by Mr Yeo to a number of the charges.

R Fowler - 7 Woontons Lane, Titirangi (August 2003)

Charges were laid against Mr Fowler for alleged offences under the Building Act (unauthorised building work) and Resource Management Act (breach of various district plan rules, including doing building work on the road reserve and in a stability sensitive area). A defended hearing occurred on 8 July 2004 following which the defendant was found guilty on all charges of contravening District Plan Rules and undertaking building work without building consent. Partial sentencing occurred on 26 July, at which time his Honour Judge McElrea made the enforcement order sought by Council ordered the defendant to pay legal costs and the costs of Council's expert witnesses (in accordance with the specified maximum fees payable under the Costs in Criminal Cases Act). Sentencing on the four charges under the Resource Management Act has been adjourned to November 2004 to allow time for consideration of issues arising under the Protection of Personal and Property Rights Act. The Judge has indicated that the offending will be taken very seriously by the Court given that the defendant has wilfully re-offended, and stated that a fine will be imposed in respect of the Resource Management Act offences.

J P O'Malley - 623 Swanson Road (January 2004)

Charges were laid against Mr O'Malley for alleged unauthorised building work (conversion of a shed to a residential unit). Mr O'Malley appeared in Court on 2 July and pleaded guilty to undertaking the authorised works. He was convicted and fined \$4,500 plus court costs.

Dovey Place Developments Limited, Neslo Construction Limited & Foundation Engineering Limited - Dovey Place, Massey (February 2004)

Charges were laid against the owner of a number of properties at Dovey Place (Dovey Place Developments Limited) and the contractors responsible for the foundation and building works for undertaking the construction of five houses without building consent. These matters have been adjourned to a preliminary hearing on a legal issue (regarding the date at which the offences became known to the Council) on 27 September 2004.

T, D & S Watford - 55 Derwent Crescent, Titirangi (March 2004)

Charges have been laid alleging failure to comply with a notice to rectify building work. The matter is listed for first call in court on 30 July 2004.

A & J Kumar - 23 Roberts Road, Te Atatu (March 2004)

Charges have been laid alleging unauthorised building works and failure to comply with a notice to rectify building work. The matter is listed for first call in court on 30 July 2004.

Contract Sealing Limited, Action Plumbing Gas & Drainage Limited & Others - 547 West Coast Road, Oratia (March 2004)

Charges have been laid alleging unauthorised building works. The matter is listed for first call in court on 30 July 2004.

I R Stanic - 11 Orchid Plane, Henderson (May 2004)

Charges laid under the Resource Management Act alleging contravention of District Plan Rules, as the property being used to store vehicle wrecks and undertake vehicle repairs, without the requisite resource consent, and for contravention of an abatement notice in respect of such activities. First call scheduled for 30 July 2004.

Future Developments Limited - 221 Scenic Drive, Titirangi (June 2004)

Charges have been laid under the Resource Management Act alleging various District Plan breaches and under the Building Act alleging various instances of unauthorised building work and allowing the use of an unsafe building (in respect of fire safety concerns) for residential purposes. The matters are listed for first call in Court on 30 July 2004.

J & G McGee - 884 West Coast Road, Oratia (July 2004)

Charges laid under the Resource Management Act alleging contravention of an abatement notice issued in respect of unauthorised earthworks in the Managed Natural Area. First call scheduled for 30 July 2004, to be adjourned to allow a further site inspection.

HIGH COURT

Application for Declaratory Orders regarding Swimming Pool Fencing (December 2003)

The Council has filed proceedings in the High Court seeking declaratory orders regarding the application of the provisions of the Fencing of Swimming Pools Act 1987 ("FSP Act") and, in particular seeking a ruling on the interpretation of "immediate pool area". There are four other parties, namely Auckland City Council, Rodney District Council, and two defendants against whom the Council has already initiated minor prosecutions for alleged failure to comply with the FSP Act. The matter has been allocated a two-day hearing for 2-3 August 2004.

RECOMMENDATION

That the Legal Update (as at 30 July 2004) be received.

Report prepared by: Brigid McDonald, Contract Solicitor.



PART C - ENVIRONMENTAL MANAGEMENT

6 ISSUES SURROUNDING RESIDENTIAL ACTIVITIES WITHIN THE WORKING ENVIRONMENT

PURPOSE OF THE REPORT

This report is prepared as a discussion document and to inform the Environmental Management Committee of the issues relating to the availability of Working Environment land across the City and the ongoing demand for residential activities on this land.

BACKGROUND

The Working Environment provides for a broad range of industrial and commercial uses. It also includes some areas of retail activity and has increasingly been used to provide for medium density residential development. Together with the Community Environment, these two Human Environments of the District Plan provide the main employment areas within the City.

There are currently approximately 490 hectares of land identified as Working Environment. This report does not investigate the availability of Community Environment land. The reason for this is that the majority of Community Environment land has already been developed, and there is with very little greenfield Community Environment land remaining in the existing urban area and, as previously reported, investigations on rezoning options for Community Environment land in the City are currently underway as a separate project.

As part of its statutory responsibilities, the Council is required to monitor the effectiveness of its District Plan objectives, policies and rules. Concerns have been raised regarding the shortage of suitable land to provide for employment opportunities. In particular, there are concerns that the increasing demand to establish residential activities on Working Environment land is removing a valuable resource from being utilised for industrial and commercial purposes.

STRATEGIC CONTEXT

The Long Term Council Community Plan has nine strategic platforms. The “*Strong Innovative Economy*” Platform seeks to achieve the following:

“2020 vision: Waitakere is home to lots of innovative activities, providing local, quality work and development options for its people. Environmentally responsible businesses are supported and flourishing.”

Ensuring that the District Plan, as a strategic document, is accurate and reflects the aspirations of the Long Term Council Community Plan is important if Waitakere City seeks to achieve its strategic goals. In order to provide for economic opportunities it is essential that suitably zoned business land is available. While there are opportunities for small scale business activities to operate within residential areas, this is essentially limited to home occupation type activities. There are also issues of loss of amenity in seeking to establish more intensive business activities in residential areas. Therefore, opportunities for increasing employment are generally limited to Community and Working Environment land. In the case of Community Environment land, as noted above, the majority of this land has now been developed, with very little greenfield development opportunities remaining.

It is noted that one of the objectives of the Long Term Council Community Plan includes the intensification of Town Centres to create thriving places to work and play. While intensification is a very important aspect for providing employment opportunities, the provision of greenfield land for business opportunities is also important.

ISSUES

Existing Provisions of the Waitakere City District Plan Relating to the Working Environment

The District Plan includes rules to control residential activities within the Working Environment. Under Rule 7 of the District Plan, the establishment and use of a dwelling which is subsidiary to a non residential activity on the same site is a permitted activity. This rule allows for the establishment of caretaking facilities, but recognises the primary use of the site as being devoted to non residential activities.

Residential activities that are not subsidiary to a non residential activity within the Lincoln Working Environment can be established as a limited discretionary activity. All other residential activities that are not subsidiary to a non residential activity within the Working Environment are a discretionary activity. The plan includes a few brief assessment criteria relating to design and on-site amenity issues. These criteria are very general and are open to a wide interpretation.

To date, surveys reveal that there are approximately 1150 medium density residential dwellings established or consented to on Working Environment land. This residential development takes up approximately 20 hectares. Concerns have been raised regarding the lack of good design and on-site amenity for some of those residential developments that have been established within the Working Environment.

There are presently no policies in the District Plan regarding the strategic importance of Working Environment land for providing business opportunities. The District Plan does not currently seek to maintain a supply of business land. The plan does seek to encourage intensification of activities in the urban area, particularly in relation to Town Centres. While this does provide opportunities for intensification of activities and increased employment opportunities, it is considered that such intensification will not provide for all business growth of the City. There does need to be an ongoing supply of greenfield land for new business activities.

Issue/s Identification

A1-A2

As of June 2004, Waitakere City currently has 29.7 hectares of vacant land and 76.9 hectares of potentially vacant land in the Working Environment, giving a total area of around 106.6 hectares. Appendix A includes details of definitions of vacant and potentially vacant land at pages A1 to A2. In 2001, there were 145 hectares of vacant and potentially vacant industrial land.

The uptake of Working Environment land for the past three years has been around 12.3 hectares per year, which means that there is a "capacity" of around 8.7 years. The reality is however that this estimate is overly generous as some of this potentially vacant land may not become available for some time. For example, there are 13.5 hectares at 12 Selwood Road which is subject to a Designation in favour of Radio New Zealand, and is unlikely to be developed for business use in the short term. Likewise some of the potentially vacant land may not be suitable/attractive for industrial/business development at the present time. Overall, there is a shortage of large sites for larger footprint business activities. The accessibility of this existing land is also an issue.

Prior to 2001, the uptake of Working Environment land was 17.6 hectares per year. The rate of take up is largely dependant on when the land is actually available for development. For example, there are large areas of potentially vacant land available between Lincoln Road and Central Park Drive, which will not be readily available until the proposed roading Designation becomes operative. Once the internal roading network has been established, it is anticipated that the uptake rates of this land will be high.

Given the issues outlined above, it is considered that in actuality the City only has about 5 years worth of available vacant Working Environment land.

If suitable land is not available in Waitakere City, it is likely that businesses will locate elsewhere in the region. It is worth noting that North Shore City had a business land uptake of 28 hectares last year (2003).

There are opportunities for additional employment land to be provided in the Northern Strategic Growth Area, as indicated in the Western and Southern Sector Agreement. However, taking into account the necessary resource management processes that will need to be followed, and then the necessary site development works (installing infrastructure), this land may not be available for a number of years.

The provision of land that has been primarily identified for employment activities is considered to be of significant importance to the sustainable management of Waitakere City. This importance stems from the need to ensure that there is an appropriate balance between population and employment within the City. At the present time, Waitakere City experiences a high reliance on employment in other parts of Auckland by Waitakere residents. It is currently estimated that up to 63% of the resident workforce is employed outside of Waitakere City. This reliance contributes to demand and congestion on the transportation network with associated impacts on air and water quality.

The establishment of additional employment opportunities within the City lessens the reliance on centres elsewhere in the Auckland region for employment. Furthermore, additional employment opportunities will be demanded by residential population growth. The opportunities for further business growth are becoming diminished as the Working Environment land supply diminishes, and as this land is used for residential purposes.

From a regional perspective, it is worth noting that in comparing the total employment land with similar Councils such as North Shore and Manukau City, Waitakere City is already significantly underserved with appropriately identified business land.

Recent research also shows that the level of residential growth in Waitakere City is disproportionately larger than the uptake of business land. It would seem that we are not providing sufficient business land/business opportunities within the City to meet the increasing residential population. This means that the majority of new and existing residents will continue to seek employment outside of Waitakere, thereby reinforcing the suburban nature of the City. This is likely to account for the number of people leaving Waitakere City to work increasing from 60% to 63% over the last 10 years.

The above analysis highlights/confirms two key issues. There is a need to retain existing land for business purposes, unless there are special circumstances that warrant residential use. There is also the need to provide additional business land to redress the historical shortfall for the past number of years and to meet the demands of the ever-growing residential population. The issue of the provision of additional business land is being addressed as part of the review of the Northern Strategic Growth Area. This report focuses on the existing Working Environment land.

The implications for residential activities within the Working Environment differ depending on the particular area and its function. There are positive effects associated with residential and mixed-use activities within Town Centres such as New Lynn and Henderson. For example a residential population in town centres makes shopping precincts safer, contributes to more efficient public transport and reduces the number and distance of trips as these areas are generally located closer to places of employment (than residential zones) and residents can use means other than private cars to get to work. Positive effects can also occur through the creation of more vibrant communities and the establishment/growth of night time/entertainment/tourism economies.

In contrast, those residential activities which establish on Working Environment land, which are not within a town centre or near accessible public transport do not offer the same benefits as these areas are not intended to be centres but places of employment.

The result of this is the inefficient use of land through the loss of employment generation potential. This could exacerbate problems of stifling economic growth opportunities. There are also issues of reverse sensitivity where lawfully established businesses are threatened by residential activity, or discouraged from locating in business areas where residential units are present. This is particularly relevant for those businesses that can be noisy or noxious which is a feature of many of those areas located outside the town centres.

A loss of employment land may potentially reduce opportunities for relocating within the City due to the shrinking business land supply. This may result in a risk to the local economy of losing a wide range of business types.

The lack of business land is likely to see a continuing increase in vehicle trips and distances as residents travel to employment in other centres. Once land has been established for residential purposes, it is irrevocably removed from redevelopment due to unit titling.

As noted above, concerns have also been raised regarding the lack of good design and on-site amenity for those residential developments that have been established within the Working Environment.

Potential District Plan Change(s)

The increasing strategic importance of Working Environment land means that this needs to be reflected in the policies, rules and assessment criteria of the District Plan. It is anticipated that the District Plan will be amended to reflect the strategic importance of this land. The policies of the District Plan, as they apply to the Working Environment, will be reviewed and it is likely that additional policies will be proposed which recognise the strategic importance of providing a ready supply of employment land. Consequently the rules will encourage employment activities, and restrict areas where residential is not considered to be an appropriate activity in The Working Environment.

It is proposed that the Working Environment be divided into two sub-environments, to be named Working Environment 1 and Working Environment 2.

Areas identified as Working Environment 1 will refer to policies in the District Plan which reinforce the strategic importance of business land and avoid residential activities. It is anticipated that residential activities will be a non-complying activity within Working Environment 1.

It is anticipated that some areas will be identified as Working Environment 2, which are likely to be areas with characteristics that may lend themselves to residential or mixed-use activities, subject to meeting certain criteria including, among other things, proximity to a town centre and public transport, mitigation against reverse sensitivity, design and on-site amenity controls.

It is considered that the Resource Management Act 1991 provides the most appropriate mechanism to address this resource management issue. The potential for an irreversible loss of this strategically important business land is likely to have a detrimental effect on the provision of future employment opportunities.

Approaches taken by other Local Authorities to the Issue

Waitakere City Council was the first Auckland Council to adopt an innovative effects based approach to dealing with resource management issues. At the time, there was sufficient land within the City to provide for economic growth and employment opportunities. However, as time has passed, the uptake of land and the use for residential purposes has eroded the availability of this land. North Shore City Council is experiencing similar issues regarding the uptake of business land. That Council is currently reviewing its provisions relating to residential activities on business land.

The Auckland Regional Council has also been reviewing the availability of business land from a region wide perspective. This is discussed further in Section 4.6.

The Resource Management Act 1991

The purpose of the Resource Management Act as outlined in Part II of the Act is the sustainable management of natural and physical resources. Part II also outlines the matters, including those of national importance, to which Council must have regard to and provide for in achieving that purpose. The purpose of a District Plan as outlined in Section 72 of the Resource Management Act is to assist Council to carry out its functions. Councils' functions are outlined in Section 31 as the control of actual and potential effects of the use, development or protection of land and associated natural and physical resources in order to achieve the purpose of the Act. The Council is required to establish, implement and review the objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities.

The issue of the provision of employment land enables the Council to fulfil its obligations under Part II of the Act by enabling sustainable use of the City's natural and physical resources, while avoiding or mitigating the adverse effects of development on the City. Notably the Council's strategic objectives seek to encourage people living in Waitakere City to also work in the City. As noted above, it is estimated that 63% of the workforce of Waitakere works outside of the city. This creates adverse effects of traffic congestion, water pollution and air pollution.

Auckland Regional Council

Section 75 of the Resource Management Act requires that a District Plan must not be inconsistent with a regional policy statement or plan. The Auckland Regional Policy Statement is now operative and provides the umbrella policies from which the rules, objectives and policies of the District Plan must be in accordance. The proposed review is not considered to be inconsistent with the Auckland Regional Policy Statement. The Regional Policy Statement recognises the need to reduce trip generation and overall traffic congestion.

The uptake of business land is also being considered at the regional level. The preparation and implementation of the Regional Growth Strategy, which is concerned with accommodating projected population growth appropriately across the Auckland region, has generated studies of both residential and business land capacity. (Reference: Auckland Metropolitan Area: Capacity for Growth 2001, March 2003.

The research undertaken for the Capacity for Growth 2001 report measures how well the region is meeting a previously given commitment to provide 15 years' capacity for residential, business and commercial uses.

The report identified a number of trends in relation to business zoned land across the Auckland region:

- In general land is being consumed too quickly;
- The availability of vacant business zoned land declined by 26% across the region between 1996 and 2001 (2,603 hectares reduced to 1,939 hectares);
- It is estimated that only 15 years' supply of vacant business land remained at 2001 should consumption continue at its present rate, with less business land being available in the north and west of the region;
- Vacant business zoned land is being consumed at a faster rate than residential land. It is estimated that between 14 and 25 years' supply of residential land remained as at 2001 depending on growth rates;
- Residential development on business zoned land affects the ability for future business growth and development; and
- Of the total number of new dwellings granted consent in the region, 18% were to be located on business land.

RESOURCES

Ongoing issues with residential activities within the Working Environment have led the staff to conclude that this issue should be afforded some priority within the District Plan monitoring programme. Sufficient staff resources and budget exist to undertake the necessary work in the current financial year.

CONCLUSION

The Working Environment provides for a broad range of industrial and commercial business uses. Together with the Community Environment, these two environments of the District Plan provide the main employment areas within the city.

As of June 2004, Waitakere City currently has 106.6 hectares of vacant land and potentially vacant land in the Working Environment. In 2001 there were 145 hectares of vacant and potentially vacant industrial land. The uptake of Working Environment land for the past three years has been around 12.3 hectares per year, which means that there is a "capacity" of around 8.7 years. However, the City may only have as little as 5 years of available vacant business land.

The provision of land that has been primarily identified for employment activities is considered to be of significant importance to the sustainable management of Waitakere City. This importance stems from the need to ensure that there is an appropriate balance between population and employment within the city. At the present time, Waitakere City experiences a high reliance on employment in other parts of Auckland by Waitakere residents for employment. It is currently estimated that up to 63% of the resident workforce is employed outside of Waitakere City. This reliance contributes to demand and congestion on the transportation network and air pollution.

It is therefore considered that there is a need to retain existing land for business purposes, unless there are special circumstances that warrant residential or mixed use activities.

Overall, it is concluded that a draft Plan Change should be prepared to address residential activities within the Working Environment.

It is also considered that the Committee should advise the Manager, Resource Consents that consideration of business land supply issues and issues of reverse sensitivity on existing or future industrial development should form part of any necessary assessment in terms of Sections 94 and Section 104(1) (c) *“any other matter the consent authority considers relevant and reasonably necessary to consider the application.”* when considering applications for Resource Consent for residential development within the Working Environment.

RECOMMENDATIONS

1. That the Issues Surrounding Residential Activities within the Working Environment report be received.
2. That further planning investigations are undertaken in relation to the effectiveness of the current Working Environment controls with the view towards preparing a plan change relating to residential activities in the Working Environment.
3. That any necessary proposed draft plan change be reported back to the Environmental Management Committee.
4. That the Group Manager: Resource Consents is advised that the loss of Working Environment land to residential activities is of concern to the Council and that consideration of business supply issues, as well as consideration of reverse sensitivity on current or future industrial developments should form part of any assessment of residential activities in terms of *“Sections 94 and 104(1) (c) any other matter the consent authority considers relevant and reasonably necessary to consider the application.”*
5. That Council promotes its position in terms of supporting the use of Working Environment land for the promotion of employment.

Report prepared by: Michael Campbell, Planner: Policy Implementation and Lois Easton, Group Manager: City Development Projects.



7 DRAFT BIODIVERSITY STRATEGY

PURPOSE OF THE REPORT

A3-A31

The purpose of this report is to present to the Environmental Management Committee for adoption the draft Biodiversity Strategy for Waitakere City. The draft strategy has been circulated to Councillors and is attached at pages A3 to A31.

BACKGROUND

Amendments in 2003 to the Resource Management Act 1991 added to the functions of territorial authorities; the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of - *the maintenance of biodiversity.*

In addition, Central Government is poised to produce a National Policy Statement on Biodiversity which will provide guidance on biodiversity management on both private and public land. These statutory measures sit alongside the BioWhat Programme that encourages and funds the protection of biodiversity on private land. These programmes are a start in implementing the New Zealand Biodiversity Strategy - Our Chance to Turn the Tide, adopted in February 2000.

STRATEGIC CONTEXT

One of the City's five strategic priorities is progressing towards Sustainable Development and maintaining biodiversity is one of the critical measures of sustainability. Although there are many perspectives on sustainable development, there can be little argument that a world where species and ecosystems are being lost is not sustainable by any measure. The state of biodiversity is therefore a core determinant of the success of local governance as defined by the Local Government Act.

Maintaining biodiversity obviously has environmental benefits but it also has:

- Economic benefits in the form of ecosystem services (water quality, soil fertility, pollination etc.) tourism opportunities and potential commercial and medical uses.
- Social benefits in the form of national identity, recreational and educational benefits.
- Cultural benefits in the form of being able to recognise and continue Maori traditions, knowledge and customary uses.

Council's nine strategic platforms each have a vision for where we want to be in twenty years. The vision for the Green network is that the Waitakere Ranges are permanently protected and a Green network will link the Ranges and the sea, connecting our everyday lives with the natural world. Our streams and forests will be full of life. This last sentence is the closest we come to considering biodiversity in the vision for the city.

ISSUES

The draft strategy attempts to draw together all the practices and projects that Council already undertakes and provide a focus towards ensuring biodiversity is at least considered and at best enhanced and protected. In addition, there are some new actions that will ensure that information is collated and made available to all biodiversity managers.

There are biodiversity managers other than Council in Waitakere City, such as the Auckland Regional Council and various community groups. The draft strategy has been forwarded to as many of these groups as possible for their comment. Staff will continue to work co-operatively with other biodiversity managers to maximise good outcomes for the biodiversity in the City.

The action plan section of the strategy identifies work to be done on specifying biodiversity outcomes in the District Plan, through the review of the Parks Strategy in 2004-2005, and in reserve management plans. Opportunities are also identified for making biodiversity gains through the Green Network Community Assistance Programme, working collaboratively with conservation groups and the Auckland Regional Council, and through advocacy, monitoring and information sharing.

Rather than generating new work, the strategy brings together existing projects and on-going work with a focus specifically on biodiversity outcomes.

RESOURCES

At this stage there are no additional budget resources required other than staff time. However, a review, which is anticipated by June 2006, will identify resource needs for the Long Term Council Community Plan 2006-2016 and for the 2006-2007 Annual Plan.

CONCLUSION

The draft Biodiversity Strategy is at a stage for adoption as a working document for “test driving”, and will be reviewed by June 2006, providing for public consultation through a review of the Long Term Council Community Plan 2006-2016, and incorporating amendments arising from consultation as well as from the monitoring programme.

RECOMMENDATIONS

A3-A31

1. That the Draft Biodiversity Strategy report be received.
2. That the draft Biodiversity Strategy as attached at pages A3 to A31 be adopted as draft documentation for consultation and further development over the next two years, with a view to adopting a final policy in conjunction with the Long Term Council Community Plan 2006/2016.

Report prepared by: Carol Bergquist, Senior Analyst Environmental Policy.



8 GENETICALLY MODIFIED ORGANISMS PROGRESS REPORT

PURPOSE OF THE REPORT

The purpose of this report is to gauge the Council's support for joining with the northern Councils (Rodney District, Far North District, Whangarei District, Kaipara District and Northland Regional Councils) in appointing a Councillor to a Joint Steering Group and commissioning a risk evaluation and options investigation into local government involvement in managing genetically modified organism activity.

BACKGROUND

At its meeting of 13 July 2004 the Environmental Management Committee resolved:

- “2. That Council staff attend the Northland Councils' discussions.
3. That a package of information be prepared to explain the issues surrounding genetically modified organisms for public comment during the review of the Long Term Council Community Plan 2006/2016.”

1276/2004

A meeting was held on 25 June 2004 with local and regional Council representatives to form a technical group. The group also invited Simon Terry, from Simon Terry Associates, the author of the March 2004 report, *Community Management of GMOs: Issues, Options and Partnership with Government*.

The outcome of this meeting was for the group to identify that further work was required to fully assess the risk to Local Authorities of (a) becoming involved and (b) not becoming involved in managing genetically modified organisms activity, the practical and affordable options for involvement, and the need for Elected Members of each Council to form a steering group to progress these matters at a political level.

STRATEGIC CONTEXT

Any ability of the Council to have some influence on release of genetically modified organisms within the City meets the strategic priorities for a safe city and progress towards sustainable development.

ISSUES

In the short term, if any Local Government action on genetically modified organism management is to be effective and affordable it would have to come from a co-operative regional approach. One Council alone would be unlikely to carry any clout with Central Government, and would not be likely to be able to withstand serious challenge.

In the long term, it is anticipated that results from the investigations and discussions arising from a northern Councils' Joint Working Party on Genetically Modified Organisms Management will form a sound basis for consultation on the issue during the review of the Long Term Council Community Plan 2006/2016.

Participation of Elected Members

Currently, Whangarei, Rodney and Waitakere Councils do not have Elected Members nominated for involvement. Notwithstanding this, discussion by the technical group determined the best approach would be for a bipartite approach involving a joint technical group (staff) and a joint steering group (Elected Members). Both groups would comprise an inter-Council or 'Joint Working Party on Genetically Modified Organisms Management'.

The technical group would meet as required to work collectively on the project. It would report periodically to the steering group, most likely at combined meetings of both groups, ie. full meetings of the Joint Working Party on Genetically Modified Organisms Management. Significant decisions and decisions involving funding would require agenda items to full Council meetings of the respective participating Councils.

It was agreed at the initial meeting that a more detailed proposal along these lines would be taken to full Council meetings for ratification and for the appointment of Elected Members to the steering group.

Process for Advancing the Project

Timeframes and costings for further work were discussed at the initial meeting. There was general agreement that a staged process is involved. The first stage is obtaining agreement from individual Councils to proceed along the lines outlined in this report. The second stage is the production of a risk evaluation and options report, which would progress the project to the point where individual Councils could select a particular option for addressing specified risks regarding release of genetically modified organisms into the environment. The cost for this stage is estimated to be \$50,000 to be shared by all participating Councils (ie. approximately \$8,350 each). This stage of work could be completed by the end of September 2004 if prompt agreement is obtained from all Councils to proceed along these lines.

The next stages (if the initiative were to proceed) would require agreement by all or most Councils on a common approach. (There may be options that would be attractive for individual Councils to pursue in the absence of a common approach but the Working Group is strongly targeting a common approach in the first instance). If an agreed option was decided upon that involved regulation under the Resource Management Act 1991, further work would be required to draw up the necessary plan change and complete the supporting section 32 analysis. This stage would also most likely cost in the vicinity of \$50,000.

A32-A33

At the end of this process, each territorial authority would have a complete plan change and a section 32 report supporting such a plan change. This could likely be completed before December 2004. On the other hand, if agreement was not reached by the participating Councils after the risk evaluation and options report has been produced, or the Councils agreed not to proceed on the issue, the following stages of the project would not be necessary and no costs would be incurred. In effect, the joint initiative would come to an end. This process is outlined as attached at pages A32 to A33.

Risk Evaluation and Options Report

Participants at the 25 June 2004 meeting, agreed that the best means to advance investigations into the options for local government to manage genetically modified organisms is to direct the initial work towards gathering enough information to enable Councils to make an informed decision in principle on a range of options. This would allow all Councils to gain a sufficient level of information on what the options would look like in practice before being required to make any future commitments. The investigation would include descriptions of: the general approaches possible, the nature of any controls that could be applied, and the cost, risks and benefits of acting as well as not acting. The options would cover the entire range from doing nothing to prohibition and the investigation would start with no preconceived favoured option.

A34-A35

To ensure that Councils have sufficiently robust information and analysis available to make decisions, it was agreed that it would be necessary to engage outside specialists to report to the working group, and then back to Councils. This will involve a need for legal, resource management, regulatory, and economic expertise. The proposal attached at pages A34 to A35 provides for this full range of skills from three parties. Each will be drawn on for relevant advice, as well as collective analysis, and the diversity of backgrounds and skills should prove very useful and rigorous in achieving this. Two of the advisors, Dr Royden Somerville QC and Simon Terry Associates, are familiar with the issues through reporting to Northland Councils earlier this year in the report *Community Management of GMOs*. The third party, environmental consultants Mitchell Partnerships, have not had prior experience with respect to genetically modified organisms management but bring extensive experience in the critical area of Resource Management Act Section 32 assessments.

The proposed investigation follows on from the earlier report jointly commissioned by Northland Councils in March 2004, in particular its Key Findings and Recommendations, and it is considered prudent (both financially and intellectually) to start from this position and involve the authors of that report in the next stage of investigations. Top expertise in this field is not widespread. Dr Somerville QC is considered one of this country's top resource management legal experts and Simon Terry Associates has considerable experience in economic, environmental and social analysis and, in particular, has co-authored a major report on Genetically Modified Organisms liability issues with Sir Geoffrey Palmer. In short, the credentials and experience of these participants would be extremely difficult to surpass. In addition, it is proposed to obtain expert planning advice and input from Mitchell Partnerships, a well respected planning consultancy with offices throughout New Zealand, and specific experience in formulating planning document provisions and section 32 analyses.

RESOURCES

There is funding available in the 2004/2005 budget for the first stage of the investigation, that is, the Risk Evaluation and Options report.

CONCLUSION

Genetically modified organisms regulation is a complex and sensitive issue. Any action undertaken by Local Authorities needs to be carefully thought out and rigorously supported by relevant research. The process leading up to a decision on possible regulation by Local Authorities needs to be transparent and clearly documented. If regulation under the Resource Management Act is to be considered a viable option sufficient groundwork is required to support such an approach by way of a Section 32 report and for possible defence in the Environment Court.

Therefore, the staged approach outlined in this agenda item, whilst it may appear overly cautious, is considered essential. At the end of this process, whatever option is decided upon, there will be sufficient information based upon rigorous analysis, to support that approach and defend it against possible challenge. In all likelihood, regulation under the Resource Management Act (if this was the favoured option) would require an agreed regional approach to make it feasible, both practically and financially. At this point in time, all Local Authorities north of the Auckland urban area are involved in this investigation. This is promising from a pragmatic point of view and innovative from a national perspective. Continued collaboration on a regional basis is highly recommended as the most efficient and effective way to address this highly contentious and complex issue.

RECOMMENDATIONS

1. That the Genetically Modified Organisms Progress Report be received.
- A32-A33 2. That it be recommended to Council to endorse the approach for progressing investigations into the management of genetically modified organisms as outlined in the proposal as attached at pages A32 to A33.
- A34-A35 3. That it be recommended to Council to agree to contribute \$8,350 to jointly fund with the northern Councils a Risk Evaluation and Options Report as outlined in the proposal as attached at pages A34 to A35.
4. That it be recommended to Council to nominate one Councillor to sit on the Joint Steering Group and takes part in discussions with the Joint Working Party on genetically modified organisms.
5. That a further report is brought back to the Environmental Management Committee once the Risk Evaluation and Options Report is complete.

Report prepared by: Carol Bergquist, Senior Analyst Environmental Policy.



9 WAITAKERE RANGES AND FOOTHILLS PROTECTION PROJECT UPDATE

PURPOSE OF THE REPORT

The purpose of this report is to present to the Environmental Management Committee an update components of the proposed package identified in phase two of the Waitakere Ranges and Foothills Protection Project.

BACKGROUND

The Waitakere Ranges and Foothills Protection Project was initiated in response to concerns expressed by local people, local MPs, lobby groups, the Parliamentary Commissioner for the Environment (PCE) and the West Coast Plan, that the Waitakere Ranges and Foothills continue to be under pressure and further action is needed to ensure more secure protection for future generations.

The goal of the Waitakere Ranges and Foothills Protection Project as agreed by the partners is:

'Through a partnership of iwi, Waitakere City Council, Auckland Regional Council & local Members of Parliament, and in close consultation with stakeholders, to find and implement ways of achieving better long-term protection for the natural and landscape values of the Waitakere Ranges and West Coast'.

The results of Phase One consultation (September – December 2003) showed most people believe that the Ranges and Foothills were not currently protected enough now and for the future, and that something 'extra' was needed. Following this phase, policy work was undertaken to identify or further develop already identified ways to provide that 'something extra'. These were analysed and those considered most suitable as methods or responses to fill the gaps and weaknesses in the current management system were identified in a 'proposed package' in Phase Two.

The key focus for phase two consultation was:

- a) Discuss visions and values for the eastern foothills included in the Waitakere Ranges project boundary.
- b) Gain feedback on the proposed package, particularly the legislation component.

The final report on the phase two consultation was presented at the Environmental Management Committee's July 2004 meeting. The key findings showed that no clear direction on the different components within the proposed package was evident from Phase Two consultation. Most of the components showed a split of opinion on whether they should be forwarded. However, the majority of participants felt that the Ranges and foothills were important and needed to be protected. What was not clear was which way forward was supported and why. What was evident from the consultation was a desire for further detailed information to be provided, specifically around the implications of the various components.

A36-A40

At its meeting of 26 May 2004 Council endorsed an extended timeframe allowing for full and meaningful consultation on the Waitakere Ranges and Foothills Protection Project (839/2004). This timeframe detailed the need for a report to Council on detailed development of the proposed package in order for Council to clearly identify which components it supports for further consultation in February/March 2005. It also requested that a report on the existing local and national financial incentives that existed to support landowners in adopting conservation measures be prepared (837/2004), as attached at pages A36 to A40.

To date the Waitakere Ranges and Foothills Protection Project has investigated both regulatory and non-regulatory mechanisms for the further protection of the Waitakere Ranges and foothills. These can be grouped as follows:

Regulatory

Introduce new local legislation or amend the Local Government Act (Auckland Bill No. 2)
Amend Regional Policy Statement
Amend District Plan
Amend Regional Growth Strategy.

Non-regulatory

Establish a Trust
Investigate World Biosphere Reserve status
Prioritise through Councils' Long Term Council Community Plans (West Coast Plan, voluntary and non-regulatory methods)
Establish core staff teams within the Councils
Develop an Implementation Plan.

The regulatory mechanisms provide the statutory framework for the management of the Waitakere Ranges and foothills. The non-regulatory mechanisms complement the interpretation and enactment of those rules. These mechanisms provide a voluntary means whereby landowners and other stakeholders can implement actions 'on the ground'. These can include community assistance programmes for replanting and pest and weed programmes. The non-regulatory mechanisms are equally important in the long term protection of the Waitakere Ranges and foothills for the active management and stewardship they encourage. This is particularly critical given the mix of both public and private land that is currently included within the Waitakere Ranges and Foothills Protection Project area.

Given the nature of hierarchy in regulation, legislation sets the overarching framework for the regulatory side. Decisions on the way forward for legislation will provide the direction for the other regulatory components.

In relation to the non-regulatory components both the Long Term Council Community Plan amendments and core team aspects can be further progressed within the Councils' existing planning processes and picked up through the Long Term Council Community Plan 2006 development process. This process includes community consultation. The development of an Implementation Plan is an operational action to detail how any mechanisms agreed to are put into operation. Both the Trust and Biosphere Reserve components are unable to be dealt with through existing processes and work has progressed on developing the possibilities around these components.

STRATEGIC CONTEXT

The Waitakere Ranges and Foothills Protection Project is a key project within the Green Network platform of the Long Term Council Community Plan. The 'Green Network' strategic platform contains a vision that would see streams and forests full of life, the Waitakere Ranges permanently protected and a Green Network in place linking the Ranges to the sea, as well as connecting the everyday lives of the people of Waitakere with the natural world.

Council has indicated a strong commitment to working on protection of the Ranges, whilst recognising that there are many different values relating to the Ranges, and that much is already being done to achieve protection. As the many tools for protection are varied and community views diverse, a robust process is crucial.

ISSUES

Regulatory Components of the Package

Because Legislation is the top of the regulatory hierarchy, most discussion and debate around the project has focussed on this aspect of the package. At its meeting of 26th May 2004 Council passed the following resolution with regard to the legislative component of the package:

1. *That the Chief Executive conducts further work including analysis of the implications of legislation incorporating the following elements:*
 - *Recognising that the Waitakere Ranges are special and deserving of care and protection, now and in the future;*
 - *Recognising that current District Plan provisions have been reached after years of consultation and should be respected;*
 - *Permitting changes to the District Plan to be made as long as they accord with the principles of protection that the legislation would establish (there being no adverse environmental effects);*

- *Acknowledging that activities currently permitted by the district plan and enjoyed by landowners should not be affected;*
 - *Allowing the continuation of current statutory processes including structure planning and employing transitional provisions to ensure that existing rights are grand parented in;*
 - *Requiring bodies exercising statutory powers which affect the ranges and foothills to take into account the need to consider effects of development on the landscape and to avoid the potential cumulative effects development would have on the Waitakere ranges and foothills.*
2. *That the effects of legislation based on these elements on the ranges, coastal villages and foothills be investigated.*
 3. *That the Chief Executive also reports on all existing packages both national and local providing financial incentives to landowners for adopting conservation measures.*

836/2004

In order to progress this matter further, legislation workshops were conducted with Environmental Management Committee members on 1 July 2004 and with Political Liaison Group members on 2 July 2004. A workshop with the Auckland Regional Council has also been held on 2 August. Feedback from these workshops has been helpful in providing further direction to staff on the nature and content of a possible legislative option that the Councils wish to consider.

Concurrently, advice has been sought from the Ministry for the Environment on their attitude towards the use of legislation and the form and content that this legislation should take. Formal advice has now been received back from the Ministry and this has led to advocacy action, as reported to the Council meeting of 28th July 2004, to ensure that should the Councils decide to pursue changes to the Resource Management Act or Local Government Act (Auckland Bill No.2) in lieu of, or in addition to local legislation, that the opportunity will be available to them.

Lastly, the Council's legal advisors were asked to comment on a draft of a potential legislative option in order to ensure that this was feasible, practical and able to achieve the desired outcome of protection. This advice has also been received and will input into further drafting and analysis work to enable a preferred legislative option to be presented to the September meeting of this Committee.

Non Regulatory Components of the Package

In 2003, a report '*Superb or Suburb? International case studies in management of icon landscapes*' from the Parliamentary Commissioner's office looked at three overseas case studies, (Canada, South Africa and Britain). Some of the key lessons described in this report include:

- The need for a long term strategic vision that is community owned.
- Political 'top-down' support is needed to complement the 'bottom-up' community direction.
- The planning approach needs to protect the community's vision from political whims, but allow for changing values.
- Need for high quality information and substantial resourcing.
- National assistance is important - for guidance, information and funding.
- The prescriptive planning approach needs to be complemented by non regulatory tools such as incentives, partnerships, involvement by not-for-profit bodies, and education.
- The approach needs to be coordinated across authority boundaries and agency responsibilities.
- The collaborative process takes substantial time and is resource intensive.

Two of the key lessons are expanded on below.

Shared Vision

One of the key requirements in the protection of outstanding landscape values, particularly those that involve private land, is the need for a community-owned long term strategic vision. This is particularly important because landscape values are a human construct and therefore more subjective and open to debate.

People are a critical element in the Waitakere Ranges and Foothills Protection Project area. There are approximately 6500 private residences within this area (New Zealand Census 2001 - this figure does not include commercial property). There is a history in Waitakere of a strong involvement and interest by the community in issues relating to the environment of the City. Community stewardship has a long tradition within the area, with a number of long standing community groups, both large and small already operating.

A41 In developing the West Coast Plan, a community visioning process was undertaken, followed by the development of goals, targets and actions for the area. The area included within the West Coast Plan was defined as the West Coast from Te Henga south to Whatipu and then east along to Cornwallis. The area extends back to the water catchment boundaries. A map of the West Coast Plan area is attached at page A41.

It is important to note that the foothills, Waiatarua, Titirangi, Laingholm and Parau were not included within this area. The significance of this gap is highlighted in the findings of the Structure Planning review (2003) which identified the lack of a strategic vision for the foothills area as a critical issue. One of the recommendations of the Structure Planning review (2003) was the need to develop a strategic vision for the Waitakere Ranges and Foothills which clearly established the context in which decisions on structure plans and other proposals for use and development of land in the foothills were made.

What is apparent from the consultation in the Waitakere Ranges and Foothills Protection Project is that there is a shared understanding that there is something 'special' about the bushclad part of the Waitakere Ranges and coastal villages as identified within the West Coast Plan. From this collective understanding shared goals and actions on how to deliver that vision on the ground has been determined.

Bottom up Community Process/Top Down Support

To be successful solutions for the long term protection of the Waitakere Ranges and foothills, both the Biosphere Reserve and Trust components would require substantial community buy in, passion and ongoing commitment. This commitment is already evident in the operation of many individual, community and environmental actions. To ensure any new mechanisms such as a Trust or Biosphere reserve are successfully achieved, it is important that community members are part of their development.

'A framework for Developing Sustainable Communities – Discussion Paper (Department of Internal Affairs/ Ministry of Social Development November 2002), notes that 'local solutions generated by self-reliant communities are very often more effective and enduring than externally imposed solutions – if only because they are more likely to be understood and 'owned' by those most dependent on the outcome of such decisions'.

It is also important that support is given by the respective agencies to enable communities to participate. Therefore effective solutions provide a combination of agency and community processes.

Timeline

The current timeline sees reporting to the September meetings of the Environmental Management Committee and Council the detail of the key elements of the package. This would enable the Council to adopt these as a draft proposal for consultation in February-March 2005. With regard to the possible legislative component, the indications are from central government that this timeline would fit well with the review of the Local Government Act (Auckland Bill No.2) currently underway. This means that should Council decide to pursue a legislative option, either local legislation or inclusion within General legislation currently on the Government work programme, the timing of this will allow for the appropriate and meaningful consultation process sought by the Council prior to any decisions being made.

RESOURCES

Funding of \$110,000 has been allocated in the 2004/05 Annual Plan for further work on the Waitakere Ranges Protection Project. Staff time is allocated to progress this project.

CONCLUSION

Work is progressing on the detailing of the parts of the proposed package for the better protection of the Waitakere Ranges and Foothills. A further report, with recommendations on draft proposals for consultation will be presented to the September meeting of the Environmental Management Committee.

RECOMMENDATION

That the Waitakere Ranges and Foothills Protection Project Update report be received.

Report prepared by: Kim Morresey, Partnerships and Advocacy Leader, Environment and Bob Drey, Principal Advisor Environmental Projects.



PART D - CONFIDENTIAL ITEMS

10 RECENT STRUCTURE PLAN DECISIONS - IMPLICATIONS FOR OTHER PROJECTS

11 CORRECTION OF RESOLUTION 371/2004

These items will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of the proceedings of this meeting, namely Recent Structure Plan Decisions - Implications for Other Projects; and Correction of Resolution 371/2004.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation of each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none">Recent Structure Plan Decisions - Implications for Other ProjectsCorrection of Resolution 371/2004	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none">Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- The matters contain information which if released would affect the Council's negotiations.*



PART E - DISTRICT PLAN / STRUCTURE PLANS

12 DISTRICT PLAN APPEALS UPDATE TABLE

PURPOSE OF THE REPORT

The Principal Advisor: District Plan will provide a verbal update to the Environmental Management Committee on progress in dealing with the appeals on the Proposed District Plan.

An up-to-the-minute progress report will be brought to each meeting outlining the status of the appeals.

RECOMMENDATION

That the information be received.

Report prepared by: Owena Schuster, Committee Secretary.



13 PROPOSED PLAN CHANGE TO THE OPEN SPACE ENVIRONMENT AND NATURAL AREA PROVISIONS IN THE DISTRICT PLAN

PURPOSE OF THE REPORT

The purpose of this report is to present to the Environmental Management Committee a Proposed Plan Change relating to changes to the rules of the Open Space Environment and Natural Areas of the District Plan, intended to better facilitate development and general maintenance within parks and reserves in the City. The report seeks approval for the Proposed Plan Change to be publicly notified.

BACKGROUND

At its meeting of 9 December 2003, the Environmental Management Committee resolved:

- “2. That the District Plan provisions relating to the rules of the Open Space Environment and Natural Areas be amended to allow a greater range of parks facilities (furniture), parks infrastructure (footpaths) and parks maintenance to be included as permitted activities.
3. That a Proposed Plan Change introducing new definitions for parks facilities, infrastructure and maintenance, amending rules of the Open Space Environment and Natural Areas to provide for the above, amending the explanation and including any consequential changes to the policies, be brought back to this Committee for consideration prior to public notification.”

4363/2003

The report prepared for the Committee's consideration, which led to the above resolution, outlined issues raised by the Parks Planning Section of the Council relating to the development and management of parks and reserves in the City within the framework of the current provisions of the District Plan. The concerns related to the rules for the Open Space Environment and Natural Areas which require resource consents for a wide range of activities on parks and the associated costs.

When the District Plan was formulated the intention was to prepare a Parks Strategy followed by the preparation of reserve management plans for all of the City's parks and reserves.

Reserve management plans are prepared under the provisions of the Reserves Act. The reserve management plan mechanism is designed to provide a means of involving the public in the strategic management of reserves and in the allocation of land within reserves where there are competing interests. However, the reserve management approach is not intended to address the effects of various activities that are conducted on reserve land, this being the domain of the Resource Management Act.

Each reserve management plan that was prepared was expected to outline specifically what activities/development would be provided on the park. The Waitakere City Council Parks Strategy was completed in April 1999, however, currently only 24% of parks and reserves in the City have Reserve Management Plans. Several of these are due for review. The Open Space Environment makes no provision for permitted activities on a park or reserve without an Operative Reserve Management Plan. Reserve Management Plans relate to the classification and purpose of the reserve and consequently the provisions for future development are often generalised which prevents proposals from being assessed as Permitted Activities under the rules of the Open Space Environment and necessitates resource consent applications. Reserve Management Plans also may not adequately address potential adverse effects on the surrounding environment. Thus both the lack of reserve management plans for the City's parks and reserves and the lack of detail for future development in existing reserve management plans necessitate a large number of resource consents. The rules for the Natural Areas in the District Plan control vegetation alteration and earthworks, and without an Operative Reserve Management Plan there is limited provision for general maintenance to be undertaken in parks without resource consents being required. The end result for the Parks Section is that the number and cost of obtaining resource consents to undertake work in parks and reserves is a significant annual cost. As all parks and reserves are publicly owned it is ultimately the Council that meets most of the costs for resource consents.

The reliance on the District Plan Open Space rules was only considered an interim measure. As the Decision notice states "In the interim until the (Reserve Management) Plans are operative the District Plan bulk and location rules for the Open Space Environment apply to all reserves. These rules will be reviewed as the Reserve Management Plans are implemented."

Section 35 of the Act requires that Council monitor the suitability and effectiveness of its District Plan and take appropriate action to ensure that it can effectively carry out its functions under the Act where this is shown to be necessary. The concerns raised by the Parks Planning Section of the Council were investigated and amendments to the provisions of the District Plan have been formulated.

The Proposed Plan Change will ensure that the provisions for the development and management of open space in the City are appropriate, and effective in achieving Council's strategic objectives. The revised rules will enable routine works to be carried out more simply.

A42-A98

Attached at pages A42 to A98 includes the Proposed Plan Change and Section 32 Analysis.

DISTRICT PLAN POLICY FRAMEWORK AND RULES

The Open Space Environment, comprises areas of publicly owned space ranging from large park areas in the Waitakere Ranges to small local reserves in the urban environments. The Open Space Environment includes land in both the urban and non urban parts of the City.

The approach taken in the District Plan has been to integrate Reserve Management Plans to direct activity in the Open Space Environment. Reserve Management Plans were considered to be more effective in terms of managing impacts on the reserves themselves, while District Plan rules are deemed to be most effective in managing the effects on surrounding areas. The Open Space Environment includes bulk and location and traffic generation rules for parks buildings, noise, glare and infrastructure rules that apply to any activity and non residential activities and a rule for signs.

Parks buildings and signs provided for in an Operative Reserve Management Plan can generally proceed as permitted activities in the Open Space Environment provided they satisfy the bulk and location rules and the Natural Area rules. A parks building on a park with no Operative Reserve Management Plan requires a resource consent and the status of the activity is automatically Non-complying, which can mean full notification.

Policies in the District Plan relating to the Open Space Environment include the design and location of new public open space and the provision of public access when land is subdivided. The methods for achieving these policies are articulated through the subdivision rules rather than the rules of the Open Space Environment.

The land identified as Open Space Environment in the District Plan includes the entire range of natural areas. The objectives and policies relating to the protection and enhancement of water quality, indigenous fauna and flora, ecosystems – stability, natural features including coastlines and streams form the basis for the comprehensive management of the “Green Network” of which the City’s network of parks is a major component.

The rules for the Natural Areas in the District Plan control vegetation alteration and earthworks. Vegetation alteration and earthworks for the maintenance or the provision of track and trail systems is only allowed as a permitted activity in parks with an Operative Reserve Management Plan.

Therefore it is considered that the rules for the Open Space Environment and the Natural Areas unduly limit and restrict the range of activities and development that can be undertaken on parks.

STRATEGIC CONTEXT

Section 75 of the Resource Management Act 1991 requires that a district plan should not be inconsistent with a regional policy statement. It is considered that the Proposed Plan Change is entirely consistent with strategic objectives of the Auckland Regional Policy Statement as the Plan Change will ensure the protection of natural and physical resources and the efficient use and management of the public open space in the City.

The Auckland Regional Growth Strategy 2050 was developed by the Auckland Growth Forum and has a 50 -year time horizon. It has an emphasis on an integrated approach to the long-term management of the Auckland region. One of the desired regional outcomes of particular relevance to the Proposed Plan Change is “the protection and the maintenance of the character of the region’s natural resources.” It is considered that the Proposed Plan Change is consistent with this outcome given that it seeks to maintain and develop public open space more efficiently. The effective management of public open space will achieve both financial and environmental benefits.

The 10 year Long Term Council Community Plan comprises five priorities and nine strategic platforms. The management of public open space overlaps into several of the strategic platforms but the most important one in terms of the Proposed Plan Change is the Green Network strategic platform. It provides for development of Harbourview / Oringihina Park, stream and coastal riparian margin restoration, pest eradication, the protection of the Waitakere Ranges, the establishment of public walkways around the Waitemata Harbour coast and Opanuku/Henderson esplanade reserves, public access strategy and public acquisition of land for the provision of public access. Of particular note in the Green Network are the following actions:

- “Design and manage the Council’s own properties and infrastructure to protect and restore Green Network values.
- Seek to better control weeds and pests on Council owned land.
- Improve integrated management of the Green Network across the Council, different public jurisdictions and land tenures.
- Improve staff training and the integration of staff expertise.
- Amend and update the Council’s Regulations and Code of Practice to encourage sustainable management solutions
- Deal proactively with encroachments on reserve land.
- Protect and manage heritage sites on reserve land.”

It is considered that the Proposed Plan Change is particularly relevant as it addresses several of the above issues. It includes provision for parks maintenance, which includes weed clearance, as a permitted activity in the Natural Area rules within the Open Space Environment. The use of the Code of Practice, Parks Guidelines and Parks Contracts for parks maintenance and parks infrastructure, is to ensure that work undertaken by contractors on behalf of the Parks Section of Council will meet “best practice” methods (eg using appropriate erosion and sediment controls and weed disposal methods) and provide for the sustainable development of the City’s parks. In the context of the City’s 991 hectares of parkland and 83km of walking tracks it is considered that facilitating parks maintenance and parks infrastructure is essential to meet the increasing use of parks and the Green Network. As the population grows and as conservation and nature based activities become more popular the importance of maintaining and enhancing the Green Network will increase.

The Long Term Council Community Plan breakdown of ‘what you get for your rates’ states spending on parks and reserves is 15% of every dollar from the rates, being the second highest expenditure after wastewater. In the context of existing and future expenditure on parks, ensuring that the District Plan provisions relating to the Open Space Environment allow for the timely, cost effective and sustainable development of parks and reserves is consistent with the Council’s strategic direction.

Proposed Plan Change

A42-A98

The Proposed Plan Change is attached at pages A42 to A98. The Proposed Plan Change is an effects - based approach to the provision of a range of activities or development that occurs in parks, with the Open Space Environment rules controlling the effects of activities or development on adjoining environments such as residential neighbourhoods. The Proposed Plan Change also utilises effects - based principles to manage the effects of development on the natural environment via the Natural Area rules. In essence the Proposed Plan Change provides for activities and development on parks without an Operative Reserve Management Plan.

The usual activities and development that occur in the Open Space Environment have been developed into an activity list with those activities that are unlikely to generate any adverse effects on the environment provided for as permitted activities and those with potential to create minor adverse effects provided as Limited Discretionary or Discretionary Activities. The new activities are described in the Definitions Section of the City Wide Rules. There are some small consequential amendments to existing definitions and to the rules relating to signs in the Transport Environment.

The Sections of the Plan Change that require amendment are listed below:

Policy Section

Section 5.10 Issue - Effects on Amenity Values: Health and Safety.

A new policy (10.28) setting out the purpose of public open space is added, and

Section 5.11 Issue - Effects on Amenity Values - Landscapes, Local Areas and Neighbourhood Character.

A new policy (11.32) which sets out the need for public open space to balance the needs of the city's residents for recreational opportunities with protection of the natural environment, is added.

Rules Sections

Introduction to the rules.

Amendments to Resource Consents - Written Consents & Notification Discretionary Activities and Non-Complying Activities.

City Wide Rules - Definitions

- Amendments to the definition for parks buildings,
- New definitions are included for - parks facilities, parks field structures, parks furniture, parks infrastructure, parks maintenance, parks signs and parks sports fields, parks contract and boardwalk.

Consequential amendments to the definitions for - bridges and signs

Open Space Environment Rules

Amendments to Procedural Guideline for the Rules - Step 8

Amendments to the following rules:

Rule 2 Height

Rule 3 Height in relation to boundaries

Rule 4 Yards

Rule 5 Building Coverage

Rule 6 Building Location

Rule 7 Parking and Traffic Generation

Rule 9 Infrastructure

Rule 10 Glare

Rule 11 Signs

Transport Environment

A consequential amendment to Rule 4 Signs.

Natural Area Rules

Amendments to the rules in all Natural Areas as follows:

General Natural Area

Procedural Guideline For The Rules - Step 7

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Restoration Natural Area

Procedural Guideline For The Rules - Step 7

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Managed Natural Area

Procedural Guideline For The Rules - Step 7

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Coastal Natural Area

Procedural Guideline For The Rules - Step 7

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Protected Natural Area

Procedural Guideline For The Rules - Step 7

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Riparian Margins/Coastal Edge Natural Area

Procedural Guideline For The Rules - Step 7

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Rule 7 Buildings

Maps Section

There are no changes to the District Plan Maps.

RESOURCES

All research required for this Proposed Plan Change has already been completed and no additional staff funding or resources are required to progress the plan change. Progressing the plan change through the statutory process can be adequately resourced from existing budgets.

STATUTORY CONSIDERATIONS AND SECTION 32 ANALYSIS

The purpose of a District Plan, as outlined in section 72 of the Act, is to assist Council to carry out its functions. Councils' functions are outlined in Section 31 as the control of actual and potential effects of the use, development or protection of land and associated natural and physical resources in order to achieve the purpose of the Act. Council is to establish, implement and review the objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities.

Section 5 describes the purpose of the Resource Management Act:

"The purpose of this Act is to promote the sustainable management of natural and physical resources.

- (2) *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while -*
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

Environment is defined in Section 2 of the Act as follows:

"Environment" includes -

- (a) *Ecosystems and their constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters."*

Section 74 (1) of the Act is the statutory basis on which Council undertakes changes to its plan. Section 74(1) states that:

"A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations."

Section 32 of the Act requires a rigorous test to ensure that before any objective, policy, rule or other method is adopted, a local authority has carried out an evaluation. Council's obligations under section 32 are divided into five parts that comprise the following:

- examining the extent to which each objective is the most appropriate way to achieve the purpose of the Act;
- examining whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;
- taking into account the benefits and costs of the policies, rules or other methods;
- taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods; and
- summarising the evaluation and reasons for evaluation.

A full section 32 analysis has been prepared and is available. The analysis concludes that the Proposed Plan Change would provide for the more efficient management of the open space in the City by providing an appropriate set of rules for the activities that occur in the Open Space Environment and relate to the various Natural Areas. The Proposed Plan Change is an effects - based approach to the provision of a range of activities or development that occur in parks with the Open Space rules controlling the effects of activities or development on adjoining environments such as residential neighbourhoods. However, the Proposed Plan Change also utilises effects - based principles to manage the effects of development on the natural environment via the Natural Area rules and is therefore not contrary to the current philosophy of the District Plan. It is also considered that the regulation of development in the Open space Environment includes adequate safeguards to ensure adverse effects on the natural and built environments are minimised.

Several other options have been evaluated but have been found to be impracticable or unacceptable. Current spending on parks and reserves is 15% of every dollar from the rates, which is the second highest expenditure after wastewater, and coupled with the importance placed on the Green Network and increasing usage of parks as the population grows the provision of timely, cost effective and sustainable development of public open space is consistent with Council's strategic direction. The Act also requires that Council monitor the suitability and effectiveness of its plan in managing the City's environment. Council therefore has a duty and care to ensure that its District Plan remains relevant in order to achieve integrated management to its natural and physical resources.

CONCLUSION

The purpose of this report is to present to the Environmental Management Committee a Proposed Plan Change to the provisions of the Open Space Environment and Natural Areas of the District Plan following concerns being raised by the Landscape and Planning, Parks Section of Council. The issues have been investigated and have shown that the existing provisions for managing the use and development of parks and reserves in the City are not the most efficient use of Council resources.

Section 35 of the Act requires that Council monitor the suitability and effectiveness of its District Plan and take appropriate action to ensure that it can effectively carry out its functions under the Act where this is shown to be necessary. The emphasis on reserve management plans to provide for the development and use of open space has been demonstrated as being an inefficient method of achieving the integrated management of the natural and physical resources and Council's strategic objectives. To meet the obligations of Section 35 of the Act, which requires Council to ensure its District Plan is relevant and accurate, it would be appropriate to introduce the Proposed Plan Change to facilitate more efficient management of open space in the City.

RECOMMENDATIONS

1. That the Proposed Plan Change to the Open Space Environment and Natural Area Provisions in the District Plan report be received.
2. That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolve to publicly notify a Proposed Plan Change to the provisions of the Open Space Environment and Natural Areas of the Waitakere City District Plan to establish a new framework for the management of open space and associated or consequential changes as attached at pages A42 to A98.

A42-A98

Report prepared by: Pamela Wells, Planner: Policy Implementation.



14 NEW LYNN CONCEPT PLAN PROCESS - UPDATE AND WORKSHOP

PURPOSE OF THE REPORT

This report updates the Environmental Management Committee on the New Lynn Town Centre concept plan review, in particular focusing on the issues relating to principles, policies and rule changes, as indicated in the project plan reported at the May 2004 meeting. It proposes the Concept Plan be notified as part of a package of work to align the District Plan with the Regional Growth Strategy.

BACKGROUND

The 1996 New Lynn Charrette produced a comprehensive concept plan to guide New Lynn development. In 2002, it was agreed substantial progress had been made in leveraging investment off the concept plan. Work commissioned to review the charrette process stated: "These achievements are significant. No other Council has attempted such a major transformation of a town centre. Since 1996 a significant amount of investment has flown into the centre. It is now hard to imagine what the centre would have been like if the Council had not undertaken the Charrette." However, it was timely to review progress, consider new regional and local drivers and develop an approach to take New Lynn further towards the goal of developing a sustainable EcoCity town centre.

One of the key findings of the review has been that the New Lynn Concept Plan, which was the output of the Charrette, would have had greater influence if it had been supported by associated policies, rules and guidelines within the Waitakere City District Plan. Instead, implementation completely relied on "advocacy" of the Charrette Vision and the Concept Plan to external stakeholders, along with the generic rules and policies for the community, working and residential environments. Although the Regional Growth Strategy later came to reflect a similar Vision, at the time advocacy was thought to be the best approach because the New Lynn Charrette and the Concept Plan were new ways of managing growth. Advocacy offered flexibility within a new Resource Management Act planning environment and within the framework of the transitional District Plan, in order to put the new EcoCity vision on the ground.

In developing a new Concept Plan several years later, it is appropriate to use these learnings to set the new Plan firmly within the District Plan framework, under policies, rules and guidelines that articulate and enforce Council's bottom line to all stakeholders in New Lynn Town Centre's future development.

STRATEGIC CONTEXT

Regional Growth Strategy

The Auckland Regional Growth Strategy provides a vision for Auckland's growth in the next 50 years to accommodate a population of 2 million. Key principles of the strategy are:

- Compact urban form, with most growth within the existing metropolitan area focussed around town centres and major transport routes to create higher density communities, and take pressures off the roading network;
- Limited managed expansion into greenfield areas outside of current metropolitan urban limits, only where criteria of environmental quality, accessibility and infrastructure development can be met;
- A region that is easy to get around; and
- Protection of the coast and surrounding natural environment.

The Strategy contains a map, titled the Growth Concept, which shows the areas identified for future urban growth and identifies the New Lynn Town Centre as a major growth centre.

Northern and Western Sectors Agreement

As part of each Territorial Local Authority's commitment to implement the Regional Growth Strategy, Waitakere City Council has signed the Northern and Western Sector Agreement. The Northern and Western Sectors Agreement sets out how the allocated growth capacities from the Regional Growth Strategy for this sector can be accommodated in appropriate locations, with the form and sequencing of development identified through until 2021. The Sectors agreement signals that New Lynn will need to accommodate an additional 9000 people over the next 20 years.

Local Government (Auckland) Amendment Act 2004

The LG(A)AA 2004 aims to improve the integration of land use and transport planning. In particular it has directed that planning documents for the region should be reviewed to ensure that they align with the Regional Growth Strategy. A key aim of these changes is to ensure that land use and transport network planning is integrated in such a way that the two uses support each other. The Act directs that the subsequent changes to the Regional Policy Statement and the District Plans should be notified no later than 31 March 2005.

Council has previously agreed to include the Metropolitan Urban Limit shift for the Northern Strategic Growth Area corridor as part of this process. It also provides an opportunity to include the New Lynn Concept Plan and associated District Plan changes within the same process.

Waitakere Urban Development Strategy

Council has long adopted an approach of directing a mix of activities into town centres as part of its Urban Development Strategy in order to:

- Ensure town centres are effective "destinations" providing for the widest possible range of community needs.
- Minimise effects on air, land and water by reducing vehicle trip length and numbers.
- Support the economic basis of town centres.
- Support passenger transport through more intense land use.

New Lynn

The City's major strategic objectives for the New Lynn Town Centre are the development of:

- A sub-regional destination.
- A thriving town centre providing increased local employment.
- A centre linked to public transport networks that is easy to access and travel around.
- Quality amenity, green space and networks.
- Urban growth managed in an environmentally sustainable fashion.
- Integrated community and social services.
- A centre that complements the development of other City centres.

Failure to coordinate these developments in New Lynn would result in lost opportunities to achieve Council's stated goals in New Lynn and for the City as a whole. It is therefore important to provide the right framework, in the form of a Concept Plan.

This approach is efficient in that concentrated analysis is being undertaken to capture the special qualities that differentiate New Lynn from other parts of the city. The vision can then also be used to inform design, branding, promotion and marketing of New Lynn, and development projects can be more responsive to site character, issues and functions as well as fitting with a robust overall vision.

ISSUES

District Plan changes

The LG(A)AA 2004 allows for associated District Plan changes to be made to ensure that they are consistent with the vision and direction outlined in the Auckland Regional Growth Strategy. There are several benefits to Council including the New Lynn Town Centre Concept Plan in the Auckland Regional Policy Statement process. These include:

- Efficient use of resources through a joint hearing and notification process.
- Consistency of approach to Auckland Regional Policy Statement and District Plan changes.
- Clear, consistent information to community.
- Better public access and participation opportunity within a large scale, complex process.
- Better integration of land use and transport across the region.

New Lynn Concept Plan Scope

A cross-Council team is working on the project, and has compiled the following summary of issues.

Community Environment Uses and Retail Expansion Issues

In February this year, a confidential item reported on research undertaken by retail consultant Mark Tansley and urban planner David Mead to consider how increasing local and regional pressure for retail expansion might be accommodated within the established town centre structure.

Further work is in process to commission a study to address the issue: Should Waitakere provide for bulk retail and if so, where and how? The outcome of this study is fundamental to the form of the future city and all three sub-regional centres, and it is therefore important to ensure the issues are thoroughly considered prior to proceeding on a development vision for New Lynn. The results will also provide a strong framework within the Resource Management Act for planning New Lynn's retail expansion and intensification process.

In terms of the District Plan, the New Lynn Town Centre is currently located to the north of the Railway and Clark Street. Key community environment and community periphery sites with development potential can be divided into two groups. The Warehouse, Mitre 10, LynnMall, the Council-owned McNaughton Way car park and the old Placemakers / Ford Motors site all lie within the existing town centre dynamic and offer the potential to increase the quality, mix and intensity of existing development, within the current District Plan rules for the Community and Community Periphery environments. Village 8 Cinemas and the old claypits / Vuksich and Borich site lie across the rail line, which has traditionally divided the retail area (Community Environment) from the industrial area (Working Environment). The proposed concept plan seeks to expand the Town Centre across the railway to the south, with the rail and public transport node forming a central hub of the Town Centre. This means special consideration needs to be given to the interest in retail development on these sites, as to whether it should proceed, and if so in what form to ensure strong connections within the centre, for access, movement, coherent identity and legibility throughout New Lynn's development stages.

Movement Network

An ideal movement network would facilitate people easily and safely to their destination in vehicles, on foot, on bicycle and with public transport, business would be able to efficiently move goods and services, public transport and communications could be fast and efficient, and city travel would be facilitated by integrated, environmentally responsible and innovative design, focused on meeting the needs of all.

One of the major perceived obstacles to New Lynn's development has always been the Clark Street roundabout and the separation effect of Clark Street. The issues fall broadly into the following areas: vehicle congestion, which is projected to increase to an unacceptable level by 2011; it is extremely difficult and unsafe for pedestrians and cyclists to navigate the intersection; the design is very ordinary and there is a lack of integration with the bus and rail station or any other surrounding uses; there is not enough allowance within the road corridor for double-tracking; and it requires a double-crossing of the rail line for even very simple vehicle manoeuvres. Staff have undertaken significant work to consider realignment of Clark Street and Memorial Drive extension to address these issues, and allow for the rail line development at grade. This would in turn create opportunities for a signature rail station building at grade, and relationship to surrounding uses. This has been reported through Committee meetings, and discussed with regional partners, with general support.

The next focus is on the survey to be completed as part of the regional rail double-tracking project, which will then allow all parties to settle outstanding technical issues. In the meantime, the conceptual design of the road network and rail line will be used as the basis for negotiation with surrounding property owners and developers, as it opens up opportunities for further vehicle and pedestrian connections within the centre, which will continue to make New Lynn easier to get around in.

Another related initiative is the Travel Demand Management project, led by the Auckland Regional Council. This aims to establish what is required to increase use of public transport on a habitual basis. A separate progress report was presented to the committee, and final results will be available later in the year, allowing the learnings and recommendations to be incorporated into the New Lynn Concept Plan.

Separate New Lynn studies have been undertaken regarding pedestrian and cycle routes and barriers, which will inform the final designs for the New Lynn movement network.

There also needs to be consideration of Park 'n' Ride and whether that is provided within the Centre or elsewhere.

One New Lynn planning innovation is a process to develop clear street treatments and typographies to support the hierarchy of streets, as referenced within the District Plan. For example, which street types will need to accommodate cycle lanes and which ones have pedestrian priority. It is anticipated that subsequent rule changes to the District Plan will seek to ensure new buildings are designed to be sympathetic to these street treatments. For example, pedestrian priority streets will need to have buildings that include a canopy covering the footpath to protect pedestrians from the elements.

Planning for bus provision includes work with the Auckland Regional Council and Stagecoach in relation to future bus numbers, routes and stops, as well as considering future use of the Bus Station once there is an operative bus/ rail interchange.

Parking

A review of the current District Plan parking ratios for Town Centres is in progress, with the intention of encouraging developments that support use of nearby public transport opportunities and shared parking. This will be reported through a separate process. However, the vision of a 24-hour, mixed use intensive development approach for New Lynn may require additional parking support such as private or public parking buildings designed within the comprehensive concept plan. It is likely that any changes to the parking rules will also need to be accompanied by a greater control of on-street parking. This could include time limits and/or pay and display parking.

The report from economist Derek Kemp completed in 2002 also emphasised the role of parking locations as an origin/ destination point when considering the dynamics of a Town Centre. For example, if a Park 'n' Ride was co-located behind shops next to a childcare facility, parents could park, drop children then walk past shops where they purchase their takeaway coffee and paper to read on the train to work. This approach then reinforces the function and economic viability of all activities.

A parking study has been commissioned to inform the Concept Plan, analysing the number and use of current public and private car parks, including parking generation for different activities.

Safety and Access by Design

This term embraces the entire range of design responses aimed at preventing crime and injury, and ensuring all-ability access. Design will not address all situations where crime and injury occurs, or remove all barriers to access, and relies on observing patterns in the physical location of injuries and crimes - identifying "hotspots". Research over the past 30 years has resulted in principles and techniques that reduce the opportunity for crime, and increase perception of personal and community safety. This is a key objective of the project, and the current perception that New Lynn is unsafe was identified as a major issue for the Town Centre.

Injury prevention focus is mainly on utilising best practice design and materials, while consideration of "barrier-free" design emphasises the benefits to all from such an approach. Key principles include:

- Developing a sense of "ownership" of public spaces - careful management of the boundaries between public and private space.
- Early consideration of safety and access principles in the design process, and "joined-up" thinking, for example - How will a passenger get off the train on to the platform, through the exit, cross the road and enter the shopping precinct? Or how will a cyclist move from the cycle lane to turn right at the lights?
- Quality repairs and maintenance ensure a good design stays high-quality.
- Natural surveillance, such as from homes into streets or parks, is the ideal crime prevention tool.
- "Access control" aims to control access to and through neighbourhoods through design that provides passive signals, such as lighting.
- "Activity support" aims to encourage complementary activities to provide passive surveillance, such as co-locating ATMs and bus stops within a view corridor to a public building.

This approach complements other focus areas, such as the principles of best practice shared use for the roading network. The location, design and integration of the Bus / Rail Centre was identified as a crucial component of the New Lynn Concept Plan in relation to Safety and Access by Design, which is also common to other areas of study.

Investment Strategy

A key focus of this aspect of the study is identifying points of difference for the New Lynn Town Centre in relation to Westgate, Henderson and other regional centres. The current branding process under way in partnership with the New Lynn business community will progress this thinking and provide structure for an integrated marketing programme. A workshop for local businesses was held on June 2. In turn, this will support New Lynn's contribution to the city's and region's economic development objectives, and the Mayoral Business Marketing Taskforce. In combination with this work, a retail strategy is being developed, to draw together demand and supply issues, along with what type and quality of business could be targeted to assist with developing New Lynn and complement the wider city strategies. This will consider priorities within the EcoCity framework, such as clean retail, employment and public good elements of business.

Arts

New Lynn carries a rich history of art and design that has influenced Waitakere City and many other parts of New Zealand. This history is centred around the clay industry that manufactured both domestic and industrial ceramics for the expanding population.

Waitakere City Council has been working on a range of art projects within New Lynn over the last seven years:

- The Rewarewa foot bridge enabled pedestrians to move through the town more freely and at the same time introduced the concept of functional art within the city.
- The New Lynn Community Centre development brought together artists and architects from the concept stage through to construction, adding tremendous value to the facility.
- New Lynn Library and Memorial Square are currently in the final planning stage, and construction will start later this year. The Library building will be enhanced by many arts and design features, ranging from a 35 x 7 metre cast in situ concrete wall with a series of motifs cast into the face, through to smaller individual works spread throughout the space.
- Todd Triangle redesign features a sculpture by leading New Zealand ceramic artist Peter Lange, which references New Lynn's ceramic heritage.
- Ambrico Place has seen rapid housing development over the past few years. This site was the also the site of the last updraft kiln in the area. Small art projects have been included in the development, and were based around representing the clay industry.
- The Manawa Wetlands project incorporates arts projects made by local school children.
- The "Millennium Waka" at the corner of Memorial Drive and Great North Road is the first of a series of sculptures being commissioned by the West Auckland Sculpture Trust. The second proposed sculpture is proposed for the Ash Street Bridge in 2005.
- These initiatives provide the opportunity for an "arts and heritage trail", to add value to the New Lynn experience. This could be supported through such initiatives as interpretative signage and brochures outlining self-guided walks.

Information Communications Technology

Work is in progress to commission a citywide ICT Strategy, which will inform the New Lynn project, and identify points of difference for marketing and adding value to New Lynn business and residential locations. However, New Lynn sits between two fibre-optic cables, along the rail line and along Great North Road, which may offer specific short-and medium-term advantage to New Lynn as a location. One key issue to be addressed in considering the potential ICT penetration and potential for a "wired New Lynn" is the related issue of houses without land-line telephones.

Leisure

The contract to develop a citywide Leisure Strategy is under way, and will provide opportunities for coordinated implementation of a leisure opportunities programme to complement other attractions within an overall package of initiatives to widen the appeal of New Lynn as a destination to meet family and friends.

Youth

Previous research into youth needs and preferences indicate a dual approach to town centre development is best: a balance of youth-specific attractions and general attractions with consideration of youth-specific aspects. Examples vary widely, from the all-demographics attractiveness of the Aquatic Centre, through to the specific appeal of skateboard facilities or after-school programmes at the New Lynn Community Centre. A citywide skate study will also inform the Concept development. The strong recommendation is to involve youth throughout the concept planning process.

Ethnic Diversity

The New Lynn ward has the highest diversity and almost twice the number of new migrants as the next largest centre. This means cultural diversity should be considered and reflected in all processes and outputs of the concept plan, including for planning event programmes and key features.

Amenity and Landscape Plan

The need for improved amenity in New Lynn has been identified in a number of key reports commissioned by Council. The quality of the streets, urban parks and gathering places are a key determinant in attracting people for social visits to a town centre. This "social visit" component is in turn fundamental for improving other indicators such as the average time spent on each visit to a centre, the number of visits per week and the average spend per visit.

The landscape plan is being developed around the proposed roading concept and includes the key site of Todd Triangle, and Great North Road streetscape improvements, planned for an early January start.

A landscape assessment and analysis has been undertaken to identify view corridors, places of interest, characteristics, key amenity opportunities and features to be integrated and highlighted through the other aspects of the Concept Plan. The landscape layer will propose specific sites for landscape development, including proposed materials, tree types and street treatments.

It relates strongly to the New Lynn Reserves Management Plan, which clearly identifies Green Network and Landscaping objectives for the New Lynn area. This has been reported in detail to the Committee.

Heritage

The Heritage Strategy and Action Plan has been reported in detail to the Committee. In particular, the Heritage Action Plan recommends the following steps that directly relate to New Lynn:

- Review heritage components of Reserve Management Plans.
- Commission conservation plans and asset management plans for those heritage features that do not currently have them.
- Develop a series of heritage / arts trails for each town centre.
- Investigation of appropriateness of some traditional (grid and cul-de-sac) subdivision patterns through zoning provisions.
- Retain and conserve transportation, industrial and other heritage sites and precincts wherever possible.
- Endeavour to have new place names, street names, bus stops and new community facilities reflect the cultural heritage and ethnic diversity of Waitakere City.
- Ensure that traditional roading materials be retained.
- Carry out characterisation studies, working with local communities.
- All urban village projects, including key roading and stormwater projects, to have a heritage character report as part of the resource consent process.

An urgent assessment of the Ambrico Kiln has also been commissioned to determine immediate remedial work.

Social Wellbeing

A key part of delivering wellbeing to the New Lynn community is related to access of central government agencies and resources, such as Housing New Zealand Corporation housing. Work has been commissioned to assess current and projected population and needs, in order to build a case for service provision. Agencies can then be approached to consider joint planning processes.

CONSULTATION

The next step in the project will be focus groups with private land owners adjacent to strategic Council sites to investigate ways of adding value and unlocking the potential of difficult sites, in line with the Concept Plan process.

RESOURCES

Resourcing is supported through the current Annual Plan and Long Term Council Community Plan. Work to inform the Concept Plan has been commissioned externally, with coordination continuing to be provided by staff.

CONCLUSION

Work has been completed to consider the fundamental principles, policies and issues as they relate to the New Lynn Concept Plan. Key work has been commissioned to address information gaps and progress will continue to be reported to Council at appropriate milestones. In order to deliver an efficient, legible process, it is recommended the New Lynn Concept Plan and associated policies and rules be notified as part of Council's District Plan change response to the Local Government (Auckland) Amendment Act 2004.

RECOMMENDATIONS

1. That the New Lynn Concept Plan Process - Update and Workshop report be received.
2. That the New Lynn Concept Plan be notified by 31 March 2005 as part of Council's District Plan change response to the Local Government (Auckland) Amendment Act 2004.
3. That a further report be brought to Council outlining the final Concept Plan and proposed District Plan changes and pre-notification consultation in November/December 2004.

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